

REMARKS

Claims 14-15 and 24-25 and 27 are pending. Claims 13, 23 and 26 have been cancelled. Claim 14 has been amended. New claim 27 has been added. New claim 27 is drawn to a method of using the host cell of claim 15. Claim 15 has been found free of the prior art. As such, new claim 27, drawn to a method of using the product of 15, is necessarily free of the prior art. In addition, an equal or greater number of claims have been cancelled. As such, it is believed that new claim 27 does not raise any new issues for consideration after issue of a final rejection and entry thereof is respectfully requested.

Defective Oath/Declaration

The Examiner asserts that the Declaration & Power of attorney is defective because priority is claimed to PCT/JP94/02009 under 35 U.S.C. §119 rather than under 35 U.S.C. §120. The Advisory Action of October 9, 2003 indicates that this issue has been overcome.

Objection under 35 U.S.C. §132

The Examiner maintains the objection to the amendments to pages 1, 2 and 8 to insert "polyclonal" with the assertion that there is no support for the amendment in the originally filed disclosure. The Examiner maintains the one skilled in the art would not have recognized polyclonal antibodies as being part of

the invention based on the disclosure in the specification. The specification has been amended to delete the recitation of polyclonal antibodies. As such, withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. §112, 1st paragraph

Claims 13-15, 23 and 26 have been rejected under 35 U.S.C. §112, 1st paragraph for lack of written description and lack of enablement. Regarding the lack of written description, the Examiner asserts that the specification does not adequately describe the genera encompassed by claims 13, 23 and 26 because the only species disclosed in the specification is SEQ ID NO:2.

With regard to claim 13 specifically, the Examiner takes the position that the partial amino acid sequences recited in claim 13 do not adequately describe the genus of polynucleotides encompassed by the claims. Claim 13 has been cancelled, thus obviating this rejection.

With regard to claim 26, the Examiner notes that the claim fails to recite any activity associated with the encoded protein of the hybridizing sequence. As such, encoded proteins, which do not have any metalloproteinase activity are also encompassed by claim 26. Regarding the rejection for lack of enablement, the Examiner reiterates the same comments regarding claims 13 and 26. Claim 26 has been cancelled, thus rendering this rejection moot.

Claims 24 and 25 have been indicated as allowable. As such, Applicants believe that claims 14-15 and 27, which depend from claims 24 and 25 are similarly allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the MaryAnne Armstrong, PhD (Reg. No. 40,069) at the telephone number listed below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicants request a two (2) month extension of time for filing the present response. The required fee is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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